



General Assembly

February Session, 2004

Substitute Bill No. 5535

* HB05535APP 042704 *

**AN ACT CONCERNING OVERBURDENED COMMUNITIES AND
NOTICE OF POLLUTING EVENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) For purposes of this
2 section, "overburdened community" means those towns, cities or
3 boroughs, or portions thereof, that have high amounts of air
4 pollutants, toxic emissions, gallons of waste water treated or tons of
5 solid waste stored, transferred, treated or disposed.

6 (b) Any town, city or borough may apply to the Commissioner of
7 Environmental Protection for placement of such town, city, borough,
8 or portion thereof, on a list of overburdened communities. Such town,
9 city or borough shall provide notice to its residents of such request by
10 means of publication in one or more newspapers of general circulation
11 in the town, city or borough. Such notice shall include a description of
12 the environmental conditions upon which the application is based and
13 provide a means for interested persons to obtain a copy of, or express
14 their opinions about, such application.

15 (c) Upon receipt of an application submitted pursuant to this
16 section, the Commissioner of Environmental Protection shall
17 determine whether such town, city, borough or portion thereof is an
18 overburdened community. In making such determination, the
19 commissioner shall review (1) available state and federal standards

20 regarding acceptable levels of air pollutants, toxic emissions, gallons of
21 waste water treated or tons of solid waste stored, transferred, treated
22 or disposed, (2) available data regarding environmental conditions in
23 the town, city, borough, or portion thereof, that is the subject of the
24 application, (3) the number of stationary sources of air pollution within
25 such town, city, borough or portion thereof, and (4) any information
26 contained in the application that is relevant to the commissioner's
27 decision. Not later than one hundred twenty days after receipt of such
28 application, the commissioner shall decide if the town, city, borough or
29 portion thereof shall be placed upon the list of overburdened
30 communities, and shall notify the town, city or borough of such
31 decision. Not later than March 1, 2005, and annually thereafter, the
32 commissioner shall report, in accordance with section 11-4a of the
33 general statutes, to the joint standing committees of the General
34 Assembly having cognizance of matters relating to public health and
35 the environment regarding the communities on the list and the process
36 by which the list was compiled.

37 (d) (1) Not later than January 1, 2005, the Department of
38 Environmental Protection, the Department of Public Utility Control
39 and the Connecticut Siting Council shall each adopt regulations, in
40 accordance with the provisions of chapter 54 of the general statutes,
41 which describe the departments' or council's procedures concerning
42 the consideration of a town, city or borough's status as an
43 overburdened community in granting licenses, permits or
44 authorizations, taking action that could have human health or
45 environmental effects, or in other decision-making processes.

46 (2) Not later than January 1, 2005, the Department of Environmental
47 Protection, the Department of Public Utility Control and the
48 Connecticut Siting Council shall each adopt regulations, in accordance
49 with the provisions of chapter 54 of the general statutes, describing
50 actions each department or council shall take to reduce the incidence of
51 pollution in overburdened communities.

52 Sec. 2. Section 22a-6u of the general statutes is amended by adding

53 subsection (m) as follows (*Effective October 1, 2004*):

54 (NEW) (m) (1) The commissioner shall forward a copy of any
55 written notice received pursuant to this section not later than five days
56 after receipt of such notice to (A) the chief elected official and members
57 of the legislative body of the municipality in which the subject
58 pollution was discovered by the technical environmental professional,
59 except where the legislative body is the town meeting or
60 representative town meeting, to the chief elected official and members
61 of the board of selectmen or town council, (B) the chief elected official
62 and members of the legislative body of each municipality adjacent to
63 the municipality in which the subject pollution was discovered, except
64 where the legislative body is the town meeting or representative town
65 meeting, to the chief elected official and members of the board of
66 selectmen or town council, (C) any water company, as defined in
67 section 25-32a, serving the parcel on which the subject pollution was
68 discovered and any water company serving consumers within a one-
69 mile radius of such parcel, and (D) for purposes of compliance with the
70 state occupational safety and health act established in chapter 571 and
71 the federal Occupational Safety and Health Act of 1970, the Labor
72 Commissioner.

73 (2) The chief elected official of the municipality in which the subject
74 pollution was discovered shall forward a copy of any written notice
75 received pursuant to subdivision (1) of this subsection not later than
76 five days after receipt of such notice to (A) the director of the
77 municipality's health department or health district, (B) the
78 chairpersons of the planning commission and zoning commission of
79 the municipality, (C) all owners of property abutting the parcel on
80 which the subject pollution was discovered, (D) all residents served by
81 private wells located within a one-mile radius of such parcel, (E) all
82 tax-payers owning real or personal property within a one-mile radius
83 of such parcel, and (F) all persons who have requested inclusion on a
84 list to be compiled and maintained by the clerk of the municipality
85 containing the names and addresses of those who wish to receive such
86 notice.

87 (3) The chief elected official of the municipality in which the subject
88 pollution was discovered shall cause to have erected on or near the
89 property on which the subject pollution was discovered a sign clearly
90 visible to the public describing the pollution discovered and
91 containing a name and telephone number that the public may contact
92 for further information.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

PH *Joint Favorable Subst.*

ENV *Joint Favorable*

APP *Joint Favorable*